

U.S. DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
(DELTA DIVISION)

| | | |
|----------------------|---|----------------------------|
| MARIO THOMAS, |) | |
| |) | |
| Plaintiff, |) | Case No. 2:12-cv-00066-DAS |
| |) | |
| V. |) | |
| |) | |
| QDOBA MEXICAN GRILL, |) | |
| |) | |
| Defendant. |) | |

DEFENDANT’S MOTION TO DISMISS AND/OR FOR SUMMARY JUDGMENT
PURSUANT TO THE FEDERAL ARBITRATION ACT

COMES NOW Defendant Go Foods, LLC d/b/a QDOBA Mexican Grill (incorrectly named simply as QDOBA Mexican Grill, hereinafter referred to as “Go Foods”) and moves to dismiss Plaintiff Mario Thomas’s Complaint. Go Foods shows the following in support:

1. Mr. Thomas entered into a binding mandatory arbitration agreement which requires that all employment-related claims be timely submitted to a dispute resolution process which included binding arbitration.

2. Defendant has attached Exhibit 1, Affidavit of Angela Forbis, in support of this Motion. Defendant simultaneously filed its Memorandum In Support of Motion to Dismiss Plaintiff’s Complaint and incorporates the arguments contained in the Memorandum herein.

Wherefore, premises considered, pursuant to the Federal Arbitration Act, 9 U.S.C. § 1 et seq. and applicable Supreme Court authority, Defendant respectfully requests that this Court dismiss Mr. Thomas’s Complaint in its entirety and, pursuant to the parties’ agreement, award attorneys’ fees to Defendant.

Respectfully submitted,

/s/ Laura Rose

Laura Rose
ADAMS AND REESE LLP
1018 Highland Colony Parkway, Suite 800

Ridgeland, Mississippi 39157
Direct: (601)292-0756
Fax: (601)355-9708
Office: (601)353-3234
Toll Free: (800)725-1990
laura.rose@arlaw.com

COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States Mail, postage prepaid, upon Mario Thomas, *Pro Se*, 2359 Barbaro Drive, Bartlett, TN 38134, this 11th day of May, 2012.

/s/ Laura Rose

COUNSEL FOR DEFENDANT